REMARKS/ARGUMENTS

Claims 1-120 are pending in the present application.

This Amendment is in response to the Final Office Action mailed March 21, 2007. In the Final Office Action, the Examiner rejected claims 1-5, 7, 10-15, 17, 21-30, 54-60, 61-65, 71-75, 77, 81-85, 87, 91-95, 97, 101-105, 107, and 111-115 under 35 U.S.C. §103(a). Applicant has amended claims 21 and 38. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Claim 38

Claim 38 has been amended to correct a minor informality.

Rejection Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 21-32, and 54-60 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,603,977 issued to Walsh et al. ("Walsh") in view of U.S. Patent No. 66,148,069 issued to Ekstrom et al. ("Ekstrom"); claims 1-5, 7, 10-15, 17, 61-65, 67, 71-75, 77, 81-85, 87, 91-95, 97, 101-105, 107, and 111-115 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,169,895 issued to Buhrmann et al. ("Buhrmann") in view of U.S. Patent No. 6,148,178 issued to Nelms et al. ("Nelms") and further in view of Ekstrom; claims 6, 16, 66, 76, 86, 96, 106, and 116 under 35 U.S.C. §103(a) as being unpatentable over Buhrmann in view of Nelms and further in view of U.S. Patent No. 6,084,862 issued to Bjork et al. ("Bjork") and Ekstrom; claims 8, 9, 18-20, 68-70, 78-80, 88-90, 98-100, 108-110, and 118-120 under 35 U.S.C. §103(a) as being unpatentable over Buhrmann in view of Nelms and further in view of Walsh and Ekstrom.; and claims 33-53 under 35 U.S.C. §103(a) as being unpatentable over Walsh in view of Ekstrom, and further in view of U.S. Patent No. 5,737,328 issued to Norman et al. ("Norman").

Applicant respectfully traverses the rejections and submits that the Examiner has not met the burden of establishing a prima facie case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP §2143, p. 2100-129 (8th Ed., Rev. 2, May 2004).* Applicants respectfully submit that there is no suggestion or motivation to combine their teachings, and thus no *prima facie* case of obviousness has been established.

1. Claims 21-32, and 54-60:

Walsh discloses a location information system for a wireless communication device and method therefor. The location information represents locations of predetermined areas, such as floors, rooms, hallway, etc. (Walsh, col. 8, lines 38-40). In an E911 application, the wireless communication unit sends the location information at least one of before, during, and after the wireless communication device communicates an emergency telephone call to a public safety answering point (Walsh, col. 11, lines 42-46).

Ekstrom discloses a system and method for mixed mode communications in an advanced intelligent network telephone system. An advanced intelligent network (AIN) generally includes a service control point (SCP) containing the software for AIN services, a service switching point (SSP) containing special software that allows it to identify AIN calls and communicate with the SCP, and may include one or more intelligent peripherals (IP) which may be used to exchange information with an end-user (Ekstrom, col. 1, lines 20-28). When a telephone call is made that would require the network to provide some type of customized call processing service, an AIN trigger is detected at the SSP and an AIN message is communicated to an SCP (Ekstrom, col. 1, lines 28-32). Once an AIN message is received by an SCP, the various network components begin to communicate over data lines with one another (Ekstrom, col. 1, lines 32-34).

Walsh and Ekstrom, taken alone or in combination, do not disclose, either expressly or inherently, suggest, or render obvious, at least one of: (1) A network comprising a plurality of commonly coupled location transmitters, each transmitter comprising a transmission unit to broadcast a signal modulated from an information message containing respective location information upon receipt of an activation request from a request subsystem in response to a telephony call, as recited in claim 21; (2) a receiver to receive location information transmitted by at least a transmitter in response to a telephony call; (3) a processor coupled to the receiver to process the location information and to enable the receiver to receive the location information;

(4) a network interface coupled to the processor to transmit the location information over a network, as recited in claims 54 and 57; (5) a location sensor to provide location information in response to a telephony call; (6) a determination unit coupled to the sensor, the determination unit to determine the location information; and (7) a network interface coupled to the determination unit to selectively transmit the location information over a network, as recited in claim 60.

Walsh merely discloses a wireless communication unit 209 sending the location information to a wireless communication device 104, such as a cellular telephone device (Walsh, col. 8, lines 42-44), not upon receipt of an activation request from a request subsystem. The wireless communication unit sends the location information at least one of before, during, and after the wireless communication device communicates an emergency telephone call to a public safety answering point (Walsh, col. 11, lines 42-46). The location information may be sent before, during, or after the device communicates with an answering point regarding an emergency telephone call. Walsh does not disclose or suggest receiving an activation request. In contrast, the claimed invention broadcasts the respective location information upon receipt of an activation request from a request subsystem.

In addition, Walsh merely discloses the cellular telephone 104 receives the location information, not being enabled by a processor. In contrast, claim 54 recites, in part, "a processor . . . to enable the receiver to receive the location information."

Furthermore, Walsh merely discloses the location information associated with a plurality of predetermined areas in the facility such as a floor, a room, etc. (Walsh, col. 10, lines 42-44, lines 54-59), not the respective location information, i.e., the location information of the transmitters. To clarify this aspect of the invention, claim 21 has been amended.

Moreover, Walsh merely discloses a controller to receive location information from a location entry device (Walsh, col. 10, lines 42-45), not in response to a telephony call. The location entry device provides pre-determined location information such as manually by a keyboard or voice recognition program, or from a database, or by a GPS receiver (Walsh, col. 11, lines 23-34). Therefore, the location information is merely provided in advance in an off-line manner, not in response to a telephony call, or not using a location sensor and a determination unit, as recited in claim 60.

Ekstrom merely discloses when a telephone call is made that would require the network to provide some type of customized call processing service, an AIN trigger is detected at the SSP and an AIN message is communicated to an SCP (Ekstrom, col. 1, lines 28-32), not to broadcast a signal modulated from an information message containing respective location information of the transmitter upon receipt an activation request from a request subsystem.

First, the AIN message is merely a message sent from within the AIN to the SCP. Both the AIN and the SCP are parts of a telephone network. Therefore, they are not associated with a transmitter. A combination of Walsh with Ekstrom is therefore improper because Walsh cannot be modified to incorporate the teaching of Ekstrom when Ekstrom does not disclose or suggest any application using transmitter or receiver.

Second, the message received by the SCP is merely request for call processing instructions (Ekstrom, col. 7, lines 50-53; col. 8, lines 10-13). Therefore, it does not contain respective location information of the transmitter. It is not an activation request sent to a transmitter either.

Third, the AIN message is communicated only to the SCP, not a broadcast signal modulated from an information message. The SCP is a network element containing logic and data necessary to provide the functionality required for the execution of a desired communication service (Ekstrom, col. 2, lines 57-61). Since the call is made to require customized call processing service, only the SCP receives the AIN message. Therefore, the AIN message is not broadcast. Furthermore, the SCP is not a transmitter that receives an activation request.

1. Claims 1-5, 7, 10-15, 17, 61-65, 67, 71-75, 77, 81-85, 87, 91-95, 97, 101-105, 107, and 111-115:

Buhrmann discloses a landline-supported private base station for collecting data and switchable into a cellular network. When an incoming call is directed to a particular mobile station, the private base station detects the ring and sends an alerting signal to the registered mobile station (Buhrmann, col. 6, lines 19-21, 28-30). A RF circuit performs the radio frequency signal processing (Buhrmann, col. 7, lines 21-23). An RF codec performs analog-to-digital and digital-to-analog conversions of the I and Q signals in the RF circuit (Buhrmann, col. 7, lines 21-23).

Nelms discloses a selective call message formatting. A receiver 204 is coupled to the antenna 202 to receive the radio frequency signals (Nelms, col. 5, lines 67; col. 6, lines 1). A demodulator 206 is coupled to the receiver 204 to recover any information signal present in the RF signals (Nelms, col. 6, lines 1-4). A decoder 212 decodes the signal for the status/ information field 402 to determine if the message contains individual selective call messages or information services data (Nelms, col. 6, lines 24-27).

Ekstrom is discussed above.

Buhrmann, Nelms, and Ekstrom, taken alone or in combination, do not disclose, either expressly or inherently, suggest, or render obvious, at least one of: (1) a decoder to decode an activation message, the activation message being sent from a request subsystem via a communication medium in response to a telephony call, the decoder generating an activation command; (2) a transmitting unit coupled to the decoder to transmit a signal modulated from an information message to a receiver using a communication protocol, in response to the activation command, as recited in claims 1, 81, and 101; or (1) a decoder to decode an activation message, the activation message being sent from an activator in response to a telephony call, the decoder generating an activation command; and (2) a receiving unit coupled to the decoder to receive a signal containing an information message upon enabled by the activation command, the information message being sent from a transmitter according to a communication protocol via a communication medium, as recited in claims 11, 91, and 111; or (1) decoding an activation message to generate an activation command, the activation message being sent from a request subsystem via a communication medium in response to a telephony call; and (2) transmitting a signal modulated from an information message responsive to the activation command, by a transmitting unit, to a receiver using a communication protocol, as recited in claim 61; or (1) decoding an activation message to generate an activation command, the activation message being sent from an activator in response to a telephone call; and (2) receiving a signal containing an information message upon enabled by the activation command, the signal being sent from a transmitter according to a communication protocol, as recited in claim 71.

Buhrmann merely discloses a codec to perform A/D and D/A conversions and modulation for the transmission path (Buhrmann, col. 7, lines 33-38), not a decoder to decode an activation message. Performing A/D and D/A conversions only involve transformation the

signal from one domain (e.g., analog) to another domain (e.g., digital). In addition, the I and Q signals of which the conversions are performed are not related to an activation message. They merely represent the RF signal from the mobile stations (Buhrmann, col. 7, lines 21-32).

Furthermore, Buhrmann merely discloses detecting the ring for an incoming call when an incoming call is directed to a particular mobile station (Buhrmann, col. 6, lines 19-21, lines 28-35), not sending an activation message in response to a telephony call. The private base station merely sends an alerting signal to the mobile station (Buhrmann, col. 7, lines 28-30). In other words, it acts like a switch to connect an incoming call to the mobile station. It does not perform sending any message to a decoder.

Moreover, Buhrmann merely discloses the RF unit to produce the I and Q signals for an RF codec (Buhrmann, col. 7, lines 21-32), or to perform modulation for the transmission path (Buhrmann, col. 7, lines 37-38), transmitting a signal modulated from an information message responsive to the activation command. Performing modulation merely modulates a signal according to some communication scheme. It does not involve an information message. Furthermore, it does not modulate the signal in response to an activation command. The Examiner recites the connection between the microprocessor 24 and the item 26 in Fig. 2 (Final Office Action, page 8, paragraph number 5). However, this connection merely shows the detection of the ring. It does not show the activation command and the information message.

Nelms merely discloses a decoder decoding the signal for status/information to determine if the message contains individual selective call messages or information services data (Nelms, col. 6, lines 24-27), not an activation message. The status/information field 402 identifies the type of information or an application other than the information services (Nelms, col. 4, lines 5-9). Therefore, it is not related to an activation message.

Furthermore, Nelms' decoder is used to decode type of information services, such as stock market, weather, sports, news, etc. (Nelms, col. 1, lines 20-22). None of these information services is related to location information of a transmitter.

As discussed above, Ekstrom merely discloses when a telephone call is made that would require the network to provide some type of customized call processing service, an AIN trigger is detected at the SSP and an AIN message is communicated to an SCP (Ekstrom, col. 1, lines 28-

32), not an activation message sent from a request subsystem to a decoder or a signal modulated from an information message to a receiver.

First, the AIN message is merely a message sent from within the AIN to the SCP. Both the AIN and the SCP are parts of a telephone network. Therefore, they are not associated with a transmitting unit or a decoder. A combination of any one of Buhrmann and Nelms with Ekstrom is therefore improper because neither Buhrmann nor Nelms can be modified to incorporate the teaching of Ekstrom when Ekstrom does not disclose or suggest any application using transmitter, decoder, or receiver.

Second, the message received by the SCP is merely request for call processing instructions (Ekstrom, col. 7, lines 50-53; col. 8, lines 10-13). Therefore, it is not an activation message sent to a transmitter.

Third, the AIN message is communicated only to the SCP, not an activation message or request sent to a transmitter or a signal modulated from an information message and transmitted by a transmitting unit. The SCP is a network element containing logic and data necessary to provide the functionality required for the execution of a desired communication service (Ekstrom, col. 2, lines 57-61). Therefore, it is neither a decoder nor a transmitting unit.

2. Claims 6, 16, 66, 76, 86, 96, 106, and 116:

Buhrmann, Nelms, and Ekstrom are discussed above.

Bjork discloses a time dispersion measurement in radio communications systems. A radio channel 203 is modeled to include a Finite Impulse Response (FIR) filter 401, the output of which is added to a white noise signal. The purpose of the white noise is to ensure that the model models all of the interference in the radio channel (Bjork, col. 7, lines 15-21).

Buhrmann, Nelms, Bjork, and Ekstrom, taken alone or in any combination, do not disclose, suggest, or render obvious, at least one of (1) a decoder to decode an activation message, the activation message being sent from a request subsystem via a communication medium in response to a telephony call, the decoder generating an activation command; (2) a transmitting unit coupled to the decoder to transmit a signal modulated from an information message to a receiver using a communication protocol, in response to the activation command; (3) the transmitting unit comprises a modulator to modulate the information message according

to a modulating scheme; (4) the modulating scheme is compatible with a sound signal; and (5) the modulating scheme uses a pseudo random binary sound (PRBS).

As discussed above, Buhrmann, Nelms, and Ekstrom do not disclose or suggest elements (1) and (2) above. Therefore, a combination of Buhrmann, Nelms, and Ekstrom with any other references in rejecting claims 6, 16, 66, 76, 86, 96, 106, and 116 is improper.

Furthermore, Bjork merely discloses modeling a radio channel, not modulating. Modeling is used to calculate the most probable transmitted data as part of a receiver. In contrast, modulating is used to transmit data, which is the opposite of receiving data. Moreover, Bjork merely discloses using the white noise to model all the interference in the radio channel (Bjork, col. 7, lines 15-21), not the information message. Interference includes co-channel interference, adjacent interference, thermal noise, and any other interference. In contrast, information message contains the information, which is the opposite of the interference.

3. Claims 8, 9, 18-20, 68-70, 78-80, 88-90, 98-100, 108-110, and 118-120:

Walsh, Buhrmann, Nelms, and Ekstrom are discussed above.

Applicant notes that although the Examiner cited Ekstrom, no discussion on Ekstrom is presented.

Buhrmann, Nelms, Walsh, and Ekstrom, taken alone or in any combination, do not disclose, suggest, or render obvious, at least one of (1) a decoder to decode an activation message, the activation message being sent from a request subsystem via a communication medium in response to a telephony call, the decoder generating an activation command; (2) a transmitting unit coupled to the decoder to transmit a signal modulated from an information message to a receiver using a communication protocol, in response to the activation command; (3) the information message includes a location identifier corresponding to location of the transmitting unit; (4) the location identifier includes global positioning system (GPS) information, as recited in claims 8, 18, 68, 78, 88, 98, 108, and 118; and (5) the telephony call is made by a person located in proximity of the transmitter, as recite in claims 9, 19, 69, 79, 89, 99, 109, and 119; and (6) the telephony call is an emergency call using an emergency call number, as recited in claims 20, 70, 80, 90, 100, 110, and 120.

As discussed above, Buhrmann and Nelms do not disclose or suggest elements (1) and (2) above. Therefore, a combination of Buhrmann and Nelms and any other references in rejecting claims 8, 9, 18-20, 68-70, 78-80, 88-90, 98-100, 108-110, and 118-120 is improper.

Furthermore, Buhrmann merely discloses a private base station collecting data including temperature readings, energy usage (Buhrmann, col. 2, lines 21-23), not location information of the transmitting unit. Similarly, Nelms merely discloses presenting messages in a consistent manner across a number of selective call devices (Nelms, col. 1, lines 31-35), not information location of the transmitter. Accordingly, neither Buhrmann nor Nelms discloses or suggests location information; and therefore location identifier; and the telephony call being made by a person located in proximity of the location of the transmitting unit. The Examiner even concedes that a combination of Buhrmann and Nelms does not specifically disclose the location identifier including the global positioning system (GPS) information, and the telephony call being made by a person located in proximity of the location of the transmitting unit (Final Office Action, pages 12-13, paragraph number 7). Accordingly, the combination of Buhrmann and Nelms with Walsh in rejecting claims 8, 9, 18-20, 68-70, 78-80, 88-90, 98-100, 108-110, and 118-120 is improper because there is no motivation to combine them.

Moreover, Walsh merely discloses the location information associated with a plurality of predetermined areas in the facility such as a floor, a room, etc. (Walsh, col. 10, lines 42-44, lines 54-59), not the location information of the transmitters. Walsh does not disclose or suggest the telephone call made by a person located in proximity of the location of the transmitting unit. Walsh merely discloses location descriptions associated with a plurality of predetermined areas 210-213 (Walsh, col. 8, lines 18-21). Since these are predetermined areas, they cannot be associated with a person making a telephone call who may be located outside these areas.

4. Claims 33-53:

Walsh discloses a location information system for a wireless communication device and method therefor as discussed above.

Ekstrom is discussed above.

Norman discloses a network communication system with information rerouting capabilities. Access points provide wireless access to the system reroute misrouted information packets in the event the location of a mobile unit has changed (Norman, col. 3, lines 52-55). A

"current location" table is maintained in the memory of each access point to keep track of when mobile units are currently located (Norman, col. 3, lines 64-66).

Walsh, Ekstrom, and Norman, taken alone or in combination, do not disclose, suggest, or render obvious at least one of (1) a sensor to receive the respective location broadcast by the first transmitter, (2) a location determination unit to process the received respective location information, (3) a network interface to externally issue the respective location information in accordance with a packet data format, (4) a server to selectively issue the activation request to the plurality of transmitters responsive to a location event; (5) a packet network interposing the network interface of the network component and the server, and (6) the packet network to bear the packetized, respective location information to said server.

As discussed above, Walsh merely discloses a controller to receive location information from a location entry device (Walsh, col. 10, lines 42-45), not in response to a location information request. In addition, Walsh does not disclose a network interface to externally issue the respective location. Furthermore, Ekstrom merely discloses an AIN message is communicated to an SCP, not an information message or an activation request. Accordingly, a combination of Walsh and Ekstrom with any other references in rejecting claims 33-53 is improper.

Furthermore, Norman merely discloses the location information representing the route from the access point to the respective access point to which the mobile unit is registered (Norman, col. 11, lines 38-40). The route is not a location information because it only shows the source and destination (Norman, col. 11, lines 36-37).

In summary, there is no motivation to combine Buhrmann, Nelms, Bjork and Walsh because none of them addresses the problem of automatic remote communication using network telephony. There is no teaching or suggestion that decoding an activation, modulate the information message according to a modulating scheme using a pseudo random binary sound (PRBS), the location identifier including the global positioning system (GPS) information, the telephony call being made by a person located in proximity of the location of the transmitting unit, a location determination unit to process the received respective location information, or a packet network to bear the packetized, respective location information is present. Neither

Buhrmann, nor Walsh, read as a whole, suggests the desirability of any of the above elements. For the above reasons, the rejections under 35 U.S.C. §103(a) are improperly made.

The Examiner failed to establish a prima facie case of obviousness and failed to show there is teaching, suggestion, or motivation to combine the references. When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to: (A) The claimed invention must be considered as a whole; (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) Reasonable expectation of success is the standard with which obviousness is determined. Hodosh v. Block Drug Col, Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986). "When determining the patentability of a claimed invention which combined two known elements, 'the question is whether there is something in the prior art as a whole suggest the desirability, and thus the obviousness, of making the combination.'" In re Beattie, 974 F.2d 1309, 1312 (Fed. Cir. 1992), 24 USPQ2d 1040; Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 1462, 221 USPQ (BNA) 481, 488 (Fed. Cir. 1984). To defeat patentability based on obviousness, the suggestion to make the new product having the claimed characteristics must come from the prior art, not from the hindsight knowledge of the invention. Interconnect Planning Corp. v. Feil, 744 F.2d 1132, 1143, 227 USPQ (BNA) 543, 551 (Fed. Cir. 1985). To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the Examiner to show a motivation to combine the references that create the case of obviousness. In other words, the Examiner must show reasons that a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the prior elements from the cited prior references for combination in the manner claimed. In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1996), 47 USPQ 2d (BNA) 1453. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or implicitly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973. (Bd.Pat.App.&Inter. 1985). The mere fact that references can be combined or modified does not render the resultant combination obvious

unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Furthermore, although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." In re Mills 916 F.2d at 682, 16 USPQ2d at 1432; In re Fritch, 972 F.2d 1260 (Fed. Cir. 1992), 23 USPQ2d 1780.

In the present invention, the cited references do not expressly or implicitly suggest any of the above elements. In addition, the Examiner failed to present a convincing line of reasoning as to why a combination of Buhrmann, Nelms, Bjork and Walsh is an obvious application of automatic remote communication using network telephony.

Therefore, Applicant believes that independent claims 1, 11, 21, 38, 54, 57, 60, 61, 71, 81, 91, 101, and 111 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. §103(a) be withdrawn.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: May 21, 2007

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